

**CITY OF BIGGS
PLANNING STAFF REPORT**

3016 Sixth Street
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5447
FAX: (530) 868-5239

TO: Honorable Mayor and Members of the City Council

DATE: October 18, 2010

FROM: Scott Friend, AICP, Contract Planner

SUBJECT: VAR2010-001 (Franco)

REQUEST

The applicant is seeking approval of a Variance, pursuant to Biggs Municipal Code (BMC) §14.40, to allow for a reduction in the front-yard setback for a parcel located at 2986 W. Biggs-Gridley Road. In addition, the applicant has requested a fee waiver to waive City fees associated with processing of the Variance.

The purpose of the request is to allow for the location of an approximately 360 square foot metal parking structure on the property. According to the applicant, the subject parcel is abnormally-shaped and its location, shape, and size prohibits the ability to install a garage or parking structure on the property. As proposed, the application for Variance seeks a modification of §14.110.040 (R-2 Zoning District; Front yard setbacks) of the BMC. The proposed Variance would reduce the required front-yard setback on this property from twenty (20) feet to two (2) feet, thereby allowing the placement of the parking structure approximately 24 inches behind the existing right-of-way.

PROJECT DATA

Application No.:	VAR2010-001
Applicant:	Miguel Gonzalez Franco
Location:	2986 W. Biggs-Gridley Road, Biggs, CA 95917
APN:	001-185-015
Application Type:	Variance
Lot Size (existing lot):	15,245 square feet (approximately 0.35 acres)
Zoning:	Medium Density Residential (R-2)
General Plan:	Residential Medium Density
Environmental Review:	Exempt (CEQA Section 15305, Minor Alterations in Land Use Limitations; CEQA Section 15061(b)(3), General Rule.)

PROJECT LOCATION/DESCRIPTION

The subject property is located at 2986 W. Biggs-Gridley Road and identified as APN 001-185-015 (see Location Map, **Attachments A and B**). The site is approximately 0.35 net acres in size and contains an approximately 1,100 square foot residential structure. The parcel is accessed via W. Biggs Gridley Road. The site is zoned with the Medium Density Residential (R-2) zone district and is designated with the Residential Medium Density Land Use Designation by the City of Biggs General Plan.

DISCUSSION / ANALYSIS

City of Biggs Zoning Code:

BMC §14.110 establishes the development standards for structures located within the City of Biggs R-2 zone district. As summarized below, the standards for the R-2 zone district are as follows:

Front Yard Setback: Twenty (20) Feet

Side Yard Setback: Twenty (20) Percent of average lot width; Minimum Five (5) Feet

Rear Yard Setback: Twenty (20) Feet

Minimum Lot Area: 7,200 square feet

Lot Coverage: 50% by-right; Up to 65% with approval of a CUP

Maximum Building Height: Thirty (30) Feet

Site Review / Project Evaluation:

Approval of the requested Variance would result in the reduction of the required front-yard setback on the parcel. Within the R-2 Zone District, BMC §14.110.040 requires a 20-foot setback from the front property line. The proposed Variance would reduce the front setback requirement on the site from twenty (20) feet to two (2) feet.

The purpose of the request is to allow for the continued use of an approximately 360 square foot parking structure, which was constructed on the subject property approximately 6-12 months ago without the City's permission. The applicant has stated that he was unaware of the City's permitting process or Zoning Standards prior to construction.

Due to the irregular shape of the parcel, there is little space on the subject property available for construction of a garage or parking structure. The size and shape of the parcel and the location of the existing home and trees restrict the ability for a 360 square foot accessory use to fully comply with setback requirements at any location on the property. With the exception of the front yard setback, the parking structure is otherwise consistent with §14.60.040 (Accessory buildings – Detached).

Additional Considerations:

The effect of the approval of the Variance would be to allow the previously-constructed parking structure to remain within the required front setback area, thereby decreasing the allowed distance between the structure and W. Biggs-Gridley Road. Staff is recommending Conditions of Approval as outlined on **Attachment D** to address potential concerns.

State of California Government Code - Variances:

Section 65906 of the California Government Code regulates the granting of Variances. This section states that a Variance shall only be granted when, because of specific circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This code section also prohibits the granting of "special privileges" and directs local governments to impose conditions of approval to ensure that variances do not allow adjustments to codes and ordinances "inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated." Additionally, a Variance should not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zoning regulation. Rather, Variances allow deviations from regulations on physical standards (such as lot sizes, setbacks, etc.) and not uses.

A primary consideration in the granting of a Variance is whether or not a landowner will be allowed to use their property in a manner that is consistent with established regulations, with minor variations that would place him in parity with other property owners in the same zone.

Biggs Municipal Code – Variances:

Section 14.40 of the BMC states that the purpose of a variance is to provide relief from the provisions of the Code where its strict or literal application results in practical difficulties or unnecessary hardships. Per Section 14.40.030, the City Council must affirm all findings (below) prior to approval of a Variance. After holding at least one (1) public hearing on the application for a Variance, the Council may approve, conditionally approve, or deny the Variance.

Required Findings for Variance Approval:

Pursuant to the Government Code and the City of Biggs Municipal Code, the Council may approve or conditionally approve a Variance only when it finds, based on the evidence presented in the application and at the hearing, that:

- A. There are exceptional or extraordinary circumstances or conditions applying to the shape, size and topography of the property referred to in the application which do not apply generally to other properties in the same district.

*As shown in **Attachment A**, the subject parcel is oddly shaped. Due to the location of the existing home and the site's trees, there is no other area on the site where the parking structure could be placed and comply with all setback requirements.*

- B. The granting of the application is necessary for the preservation and enjoyment of substantial property rights possessed by other property in the same vicinity and zone denied to the property in question.

The granting of the requested Variance will not infringe upon any property rights nor have any adverse effect on neighboring property. The neighboring parcels are other single family homes, to which there would be no physical effects if the Variance is approved. The scale of the subject parcel and occupying structures and the Variance requested are relegated to one physical location, and are such that the reduced front yard setback would not overwhelm or otherwise impact any adjacent or neighboring property, and would not preclude any use or enjoyment of substantial property rights possessed by other property in the same vicinity and zone denied to the property in question.

- C. The granting of such application will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity.

The reduction of the minimum front yard setback as associated with this Variance request would be limited to the existing structure on the subject property only and would not generate any new impact to surrounding properties. Granting of the requested Variance would not result in any physical change to the neighborhood, and therefore would not be detrimental to the public welfare, nor result in any adverse impacts to properties within the area. The Variance would not result in interference with sight lines, would not impede access, and would not block views.

- D. The Variance will be in general harmony with this Title and the City of Biggs General Plan.

Granting of the proposed Variance is generally consistent with the City of Biggs General Plan in that it is consistent with the overall vision for community character and intent of the plan.

- E. The Variance does not authorize a use which is not otherwise permitted in the zone.

The Variance relates only to the setback standards on the parcel. It will not authorize any additional or new use(s), but would rather enable the use of the property and

existing structure in a manner that is otherwise consistent with uses allowed within the R-2 Zone District and Detached Accessory Buildings.

Upon review of the request, staff has determined that the granting of a Variance would not unduly impact the adjacent properties in the area; would not result in a grant of special privilege to the property owner not otherwise available to others in the same zone district, and would not unduly impact the public health, safety or welfare.

ENVIRONMENTAL REVIEW

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA). This action has been determined to be exempt from CEQA review pursuant to Public Resources Code Section 15305(a), Minor Alterations in Land Use Limitations; Minor lot line adjustments, side yard, and setback variations not resulting in the creation of a new parcel (**see Attachment G**). The Variance under consideration in this application will not increase density, is consistent with the use type provisions of the MDR land use designation and Section 14.110 of the BMC and will not create a new parcel of land.

RECOMMENDATION

Staff recommends that the City Council open the Public Hearing, accept public testimony and approve the Variance application.

Should the Council approve the requested Variance, the Council shall make the findings outlined on **Attachment E** in the motion to approve the project.

Specifically, staff recommends that the following actions take place:

1. California Environmental Quality Act: **Move that the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15305(a), Minor Alterations to Land Use Limitations.**
2. Variance: Staff has reviewed the applicant's request and, based upon the adoption of the Conditions of Approval, has determined that the project will not negatively impact the public health, safety or welfare, will not negatively impact the City or the surrounding area and is consistent with the provisions of the City of Biggs General Plan and Zoning Ordinance. **Move to approve Variance request 2010-01 based upon the following findings:**
 - A. There are exceptional or extraordinary circumstances or conditions applying to the shape, size and topography of the property referred to in the application which do not apply generally to other properties in the same district;

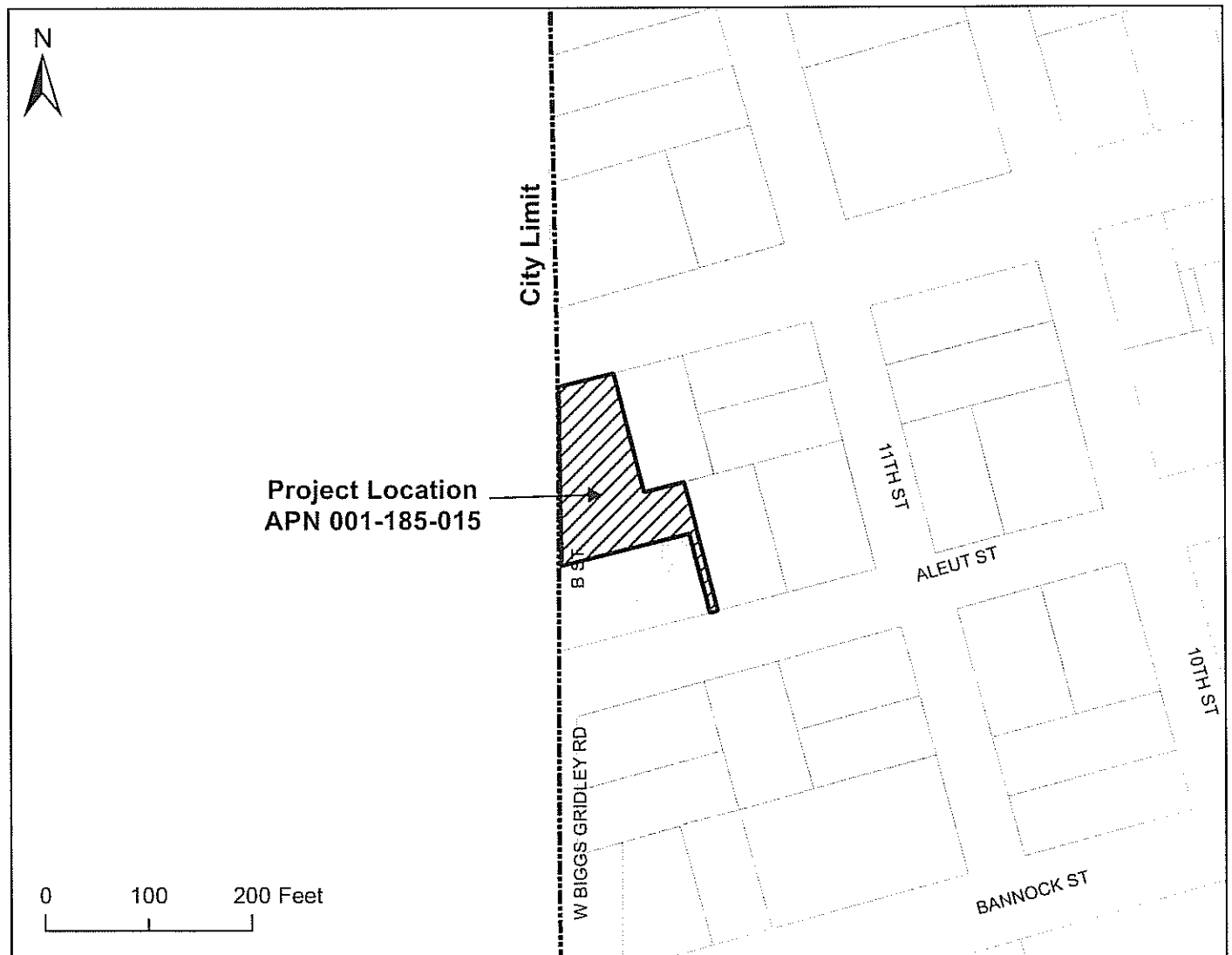
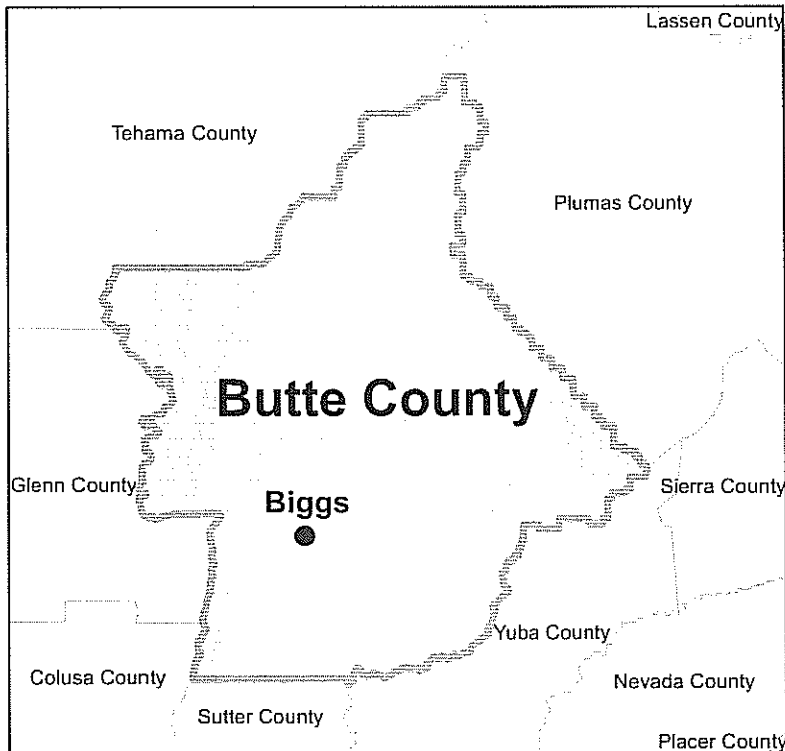
- B. The granting of the application is necessary for the preservation and enjoyment of substantial property rights possessed by other property in the same vicinity and zone that would otherwise be denied to the property in question;
 - C. The granting of such application will not be materially or unduly detrimental to the public welfare or injurious to property or improvements in the vicinity;
 - D. The Variance will be in general harmony with the requirements of the Biggs Municipal Code and the City of Biggs General Plan;
 - E. The Variance does not authorize a use which is not otherwise permitted in the zone;
3. Fee Waiver: Because substantial staff time and resources have been allocated to the preparation and noticing of this project, **Staff recommends that the City Council deny the applicant's request for a fee waiver.**

Based upon these findings, staff recommends that the City Council approve Resolution CC 2010-___ approving application number VAR2010-001 subject to the findings on **Attachment E** and the Conditions of Approval shown on **Attachment D**.

ATTACHMENTS

Attachment A – Project Location Map
Attachment B – Site Aerial Photograph
Attachment C – Variance Application and Support Materials (VAR2010-001)
Attachment D – Conditions of Approval
Attachment E – Findings for Approval of VAR2010-001
Attachment F – Resolution CC 2010-___ a Resolution of Approval for VAR2010-001
Attachment G – CEQA Notice of Exemption

VAR 2010-001 (Franco) Location Map



ATTACHMENT B
Site Aerial Photograph





City of Biggs
Planning Department
3016 Sixth Street
P.O. Box 1134
Biggs, CA 95917

Application for: Variance

Applicant		
Applicant: <u>Miguel Gonzalez Franco</u>		Daytime Phone: <u>868-1387</u>
Street Address: <u>2986 W. Biggs Gridley Rd</u>		
City: <u>Biggs</u>	State: <u>Calif</u>	Zip: <u>95917</u>
Property Owner		
<input checked="" type="checkbox"/> Check box if same as applicant		
Name: <u>SAME</u>		Daytime Phone:
Address:		
City:	State:	Zip
Property Location		
Address of Subject Property: <u>2986 W. Biggs Gridley Road</u>		
Assessor's Parcel Number(s): <u>001-185-015</u>		Size (Acres or Sq. footage): <u>.35 acres / 15,245 sq ft</u>
Present City Zoning: <u>R-2</u>		General Plan Designation: <u>MED RES</u>
Project Information		
Describe the Request (Applicant must also provide information to support findings necessary to grant variance by completing attached Variance Justification Narrative form.)		
<u>Installation of a 18'x20' metal awning (car port)</u>		
Answer all that apply:		
Day and Hours of Operation: <u>N/A</u>		No. of Employees: <u>N/A</u>
Number of Off-street Parking Spaces Proposed: <u>2</u>		

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. I also certify that I am the owner of the above property or have attached the owner's written consent to file this application (Before signing, see note on page 2 of this application.)

Applicant's Signature _____ Date _____

For Office Use Only

Submittal Information Application received by <u>Miguel Gonzalez Franco</u> Date: <u>10-26-10</u>		Planning Commission Action: Approved _____ Denied _____ Date _____ Vote _____	
Fees: Application Fee \$ _____ Receipt No. _____ Environmental Review \$ _____ Total Fee \$ _____		City Council Action: Approved _____ Denied _____ Date _____ Vote _____ Resolution No. _____	

See back and attachments for additional information.

Requirements for a Variance Application

The following items are **required** for a complete application:

- ☐ Completed and Signed Application Form
- ☐ Variance Justification Narrative
- ☐ Completed Variance Justification Narrative
- ☐ 8 1/2" X 11" Site Plan of Proposed Development (indicate dimensions and all information pertinent to the proposed project, including existing and proposed structures, parking and other relevant features)
- ☐ Application and Environmental Fees

Additional information may be required to determine if significant adverse environmental impacts could result from the proposal.

Time Limits

Pursuant to California Code Sections 65943 and 65950, the City has 30 days from the date of submittal to determine if an application is complete and six months from the date of acceptance of a complete application to take final action when a negative declaration is prepared.

If an Environmental Impact Report is required, the time limit is 90 days after certification of the EIR.

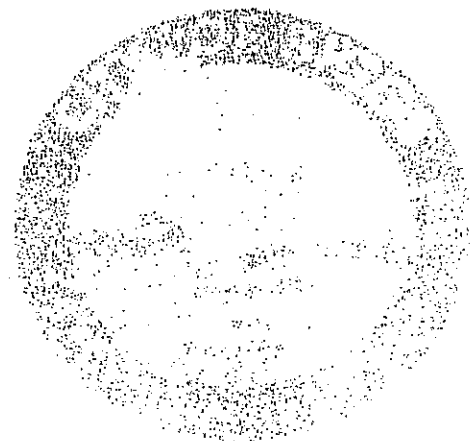
Any required public hearing must be held at least 60 days prior to the expiration of the time limit.

Notice of Pending Amendments

Pursuant to California Government Code Section 65945, et seq., an Applicant can make a written request to receive notice of any pending amendments to: the General Plan, Specific Plans, the land use regulations, ordinances affecting building permits, or to regulations pertaining to development permits, if the amendment is reasonably related to the Applicant's project.

Note

By signing the front of this application form, the applicant is indicating that the project site is not included on any state or local list of hazardous waste sites compiled pursuant to California Government Code Section 65962.5, as amended in January 1996.



SITE PLAN CHECKLIST

Applies	Doesn't Apply	Item
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vicinity map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Map/Drawing Scale / North arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property lines
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dimensions of property lines, acreage and setbacks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adjacent streets, alleys and properties
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing features: structures and size, landscaping, utility poles, hydrants, street lights, trees (note whether to be retained or removed)
<input type="checkbox"/>	<input type="checkbox"/>	Footprint and location of new structures
<input type="checkbox"/>	<input type="checkbox"/>	Walkways
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking stalls, driveways and dimensions (including handicapped stall and ramp as applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	New landscaping: perimeter and interior
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fence locations and height
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trash areas with screening
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location of utility company transformer boxes, fixtures, etc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bicycle racks/storage facilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street address/Assessor's Parcel Number(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name of Applicant
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project title
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Calculations: lot size, floor area, number of parking stalls, landscaped area, lot coverage, parcel size/area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineation of phasing, when applicable
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other appropriate information

VARIANCE JUSTIFICATION NARRATIVE

Each zoning classification and land use has an associated set of development standards which are specified in the Biggs Municipal Code. The Code also establishes a procedure to grant variances from these standards where unique circumstances exist to warrant relief from the strict application of these standards.

A variance can be granted only if specific findings are made to indicate that unique circumstances do, in fact, exist. These special circumstances may include factors such as the size, shape, topography, location, and surroundings of a piece of property.

The Courts have clearly indicated that variances are not intended to rewrite the City Code and can only be granted if all of the findings listed below are made. Further, the Courts have indicated the actual factual basis for these findings must be stated.

Note to Applicant:

Please do not apply for a variance unless you can provide the necessary factual basis to grant the requested variance. All necessary application fees are non-refundable.

Findings:

All of the findings listed below must be made. Justification narrative must be provided for all five specific facts to grant a variance.

- 1) There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, size, surroundings, or topography, which do not apply generally to property, structures, or uses in the same zoning district, so that the strict application of these Regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district;

The property in question is oddly shaped. There is no other area on the property where the parking structure could be placed.

- 2) Granting the variance is necessary for the preservation and enjoyment of substantial property rights;

Mr. Franco would like to be able to provide shade for his automobiles as well as provide protection for his automobiles from falling debris from the trees above the shelter

- 3) Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel;

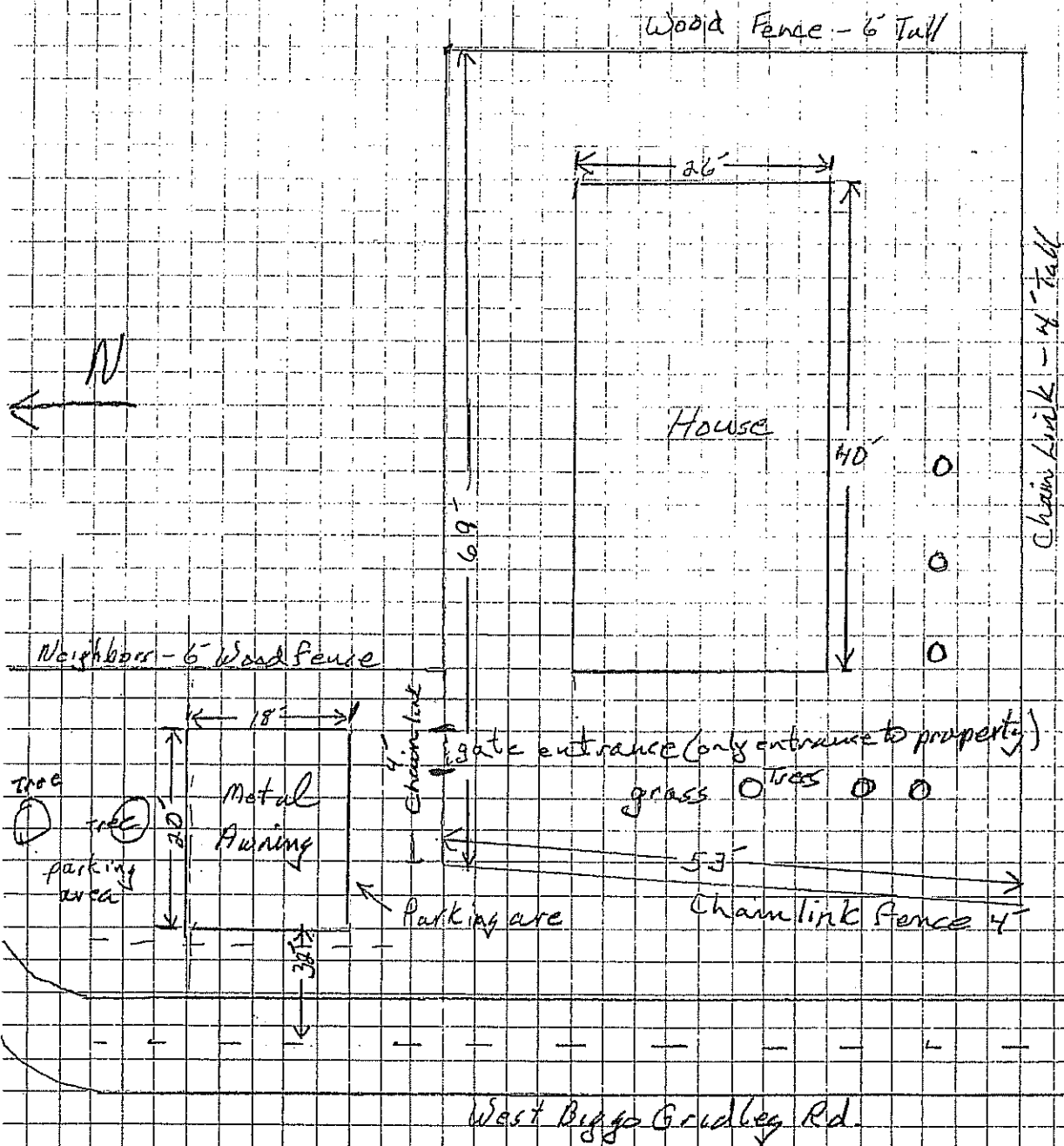
As far as Mr. Franco knows, parking structures are allowed in the City of Biggs. The location, shape and size of his property would prohibit the structure's location according to city code

- 4) Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located; and

Mr. Franco understands that a variance is allowed at the discretion of the city council. He knows a variance is a legal "special privilege" that could be granted to anyone depending on the situation

- 5) Granting the variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

This variance will not be detrimental in any way to the city, property or future improvements in the zoning district



out of R.O.W 1/4 18-24 inches

September 27, 2010

Receipt #...: 71097

Monday 3:34 pm

* City of Biggs *

Register #.: 000

By: MARLEE

Terminal ID: T1

3016 Sixth Street, P.O. Box 307 Biggs, CA. 95917 0307

I.D. Number

Amount Paid

USEP USE PERMIT/VARIANCE

518.75

Cmt: MIGUEL FRANCO APPLICATION FOR VARIANCE USEP

Check #	Check Amount	Cash	Amt Tendered	Total Paid	Change
004631	518.75	.00	518.75	518.75	.00

Paid By.: MIGUEL FRANCO APPLICATION FOR VARIANCE USEP

John Walton

2588 W. Biggs

Gridley

CONDITIONS OF APPROVAL
VAR2010-001 (Franco)
Assessor's Parcel Number: 001-185-015

Approved Variance: Variance from Section 14.105.040 of the Biggs Municipal Code (BMC) to allow for a previously-constructed metal parking structure, located at 2986 W. Biggs-Gridley Road, further identified as APN 001-191-008, to encroach approximately 18 feet into the required front-yard setback.

Conditions of Approval:

1. Unless specifically provided herein or otherwise provided by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the City and a violation of these conditions may result in the revocation of the Variance.
2. The owner shall install an all-weather, improved surface parking area as required by BMC section 14.65.070(2).
3. No modifications shall be made to the existing driveway or access point to the lot and no work within the public right-of-way shall be undertaken without the issuance of an Encroachment permit by the City Engineer prior to the initiation of any construction activity.
4. The owner shall secure the existing carport structure to a foundation or other approved anchor as required by the Butte County Building Department. Owner or authorized agent of the owner shall be responsible for submitting all building plans to the Butte County Building Department for approval and for securing all necessary building and/or site development permits prior to the initiation of any construction work on the property.
5. Placement of the carport structure shall not alter any of the existing drainage patterns on the site. The applicant/property owner is responsible for the proper drainage of water from the site relative to the placement of the carport structure.
6. The carport structure shall not be located over any utility or public service easement area.
7. No expansion of the previously-constructed and currently existing carport structure shall be allowed.
8. No electrical service shall be permitted to be extended to the subject carport structure.

**FINDINGS REQUIRED FOR APPROVAL
VAR2010-001 (Franco)**

Assessor's Parcel Number: 001-185-015

After review and consideration at its legally noticed and regularly scheduled meeting of October 18, 2010, the City Council of the City of Biggs hereby finds, with respect to application VAR2010-001:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the shape, size and topography of the property referred to in the application which do not apply generally to other properties in the same district.
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights possessed by other property in the same vicinity and zone denied to the property in question.
- C. That the granting of such application will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity.
- D. That the Variance will be in general harmony with this Title and the City of Biggs General Plan.
- E. That the Variance does not authorize a use which is not otherwise permitted in the zone.

RESOLUTION NO. 2010-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
APPROVING AN APPLICATION FOR A VARIANCE
LOCATED AT 2986 W. BIGGS GRIDLEY ROAD
APPLICANTION: 2010-001 - FRANCO (VARIANCE)**

WHEREAS, Miguel Gonzalez Franco has requested a Variance to allow for a reduction in the required front-yard setback on his property, located at 2986 West Biggs-Gridley Road, to allow for the retention of a previously constructed metal carport parking structure within the required front-yard setback; and,

WHEREAS, the City Council of the City of Biggs held a duly noticed public hearing to accept public comments and to review and consider the application on October 18, 2010; and

WHEREAS, the City Council has determined that, subject to approval of the Variance, the request is consistent with the Biggs General Plan and the standards of Biggs Zoning Code; and

WHEREAS, the City Council has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) Section 15305 (a); and

WHEREAS, the City Council has made the following findings with respect to the requested Variance:

1. That there are exceptional or extraordinary circumstances or conditions applying to the shape, size and topography of the property referred to in the application which do not apply generally to other properties in the same district.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights possessed by other property in the same vicinity and zone denied to the property in question.
3. That the granting of such application will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity.
4. That the Variance will be in general harmony with this Title and the City of Biggs General Plan.
5. That the Variance does not authorize a use which is not otherwise permitted in the zone.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Biggs does hereby approve Variance 2010-001 to allow a reduction in the required front-yard setback for the purposes of the location of a metal carport structure at 2986 W. Gridley Road.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 18th day of October, 2010 by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

ATTEST:

Roben Dewsnap, CITY CLERK

Roger L. Frith, MAYOR

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Biggs
Planning Department
P.O. Box 1134 / 3016 Sixth Street
Biggs, CA 95917

☒ County Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

Project Title: **VAR2010-001 - FRANCO**

Project Location: City of Biggs

Assessor's Parcel Number(s): 001-185-015

Project Description: The project is a Variance, being requested pursuant to Section 14.40 of the Biggs Municipal Code, from the required front-yard setback standard of twenty-feet (20) pursuant to Section 14.110 Residential Medium-Density Zoning - R-2 of the Biggs Municipal Code. The Variance would allow for a reduction in the front-yard setback located at 2986 West Biggs-Gridley Road in the City of Biggs from 20' to 2' for the purpose of allowing for the continued use of a previously-constructed metal carport parking structure within the required front-yard setback.

Lead Agency: City of Biggs

Project Planner: Scott Friend, AICP, City Planner (contract)

Exemption Status: ☐ Ministerial [Section 21080(b); 15268];
☐ General Rule [Section 15061(b)(3)];
☒ Categorical Exemption [Section 15305(a)];
☐ Statutory Exemption;
☐ Declared Emergency/Emergency Project (Sec. 21080(b)(3); 15269(a))
☐ Other: Section 21169

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

This action has been determined to be exempt from CEQA review pursuant to Public Resources Code Section 15305(a), Minor Alterations in Land Use Limitations; Minor lot line adjustments, side yard, and setback variations not resulting in the creation of a new parcel. If approved, the variance would allow for modifications of the front-yard setback to allow for a previously-constructed metal parking structure to remain on the property. No new construction would result from the amendment, and no new uses would be allowed or would occur. Because it can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment, the activity is not subject to CEQA. (Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code).

City Planner
City of Biggs

By: _____
Scott Friend, AICP
Date: October 18, 2010